

# ZONING BOARD OF APPEALS

TOWN OF GREENFIELD, MASSACHUSETTS  
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**Zoning Board of Appeals  
Minutes of May 12, 2011  
Police Station Meeting Room  
321 High Street**

Chairman McLellan called the regular meeting to order at 7:00 p.m. with the following members present:

**PRESENT:** Tom McLellan, Chair                      Mark Maloney, Clerk                      Scott Cote  
                  Howard Barnard                              Scott Conti

Chairman McLellan announced that the meeting was being recorded and asked if anyone else was recording the meeting. No one responded.

Public Hearings:

**7:00 p.m.** Application of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, for a modification of an existing special permit pursuant to Sections 200-4.2 (C13) and 200-8.3 of the Zoning Ordinance for an animal kennel to allow six (6) dogs instead of four (4) dogs allowed by the current animal kennel license.

Applicants Penny and Gregory Dow arrived late, public hearing started at 7:10 p.m. Chairman McLellan explained the public hearing and appeals process. Maloney read public hearing notice. Mrs. Dow explained her request to the Board which is to allow two (2) additional dogs, a Pug and a Springer at their property.

**MOTION:**      **Moved by Maloney, 2<sup>nd</sup> by Cote and voted 5:0 to approve the application of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, for a modification of an existing special permit pursuant to Sections 200-4.2 (C13) and 200-8.3 of the Zoning Ordinance for an animal kennel to allow a maximum of six (6) dogs instead of four (4) dogs allowed by the current animal kennel license with the following conditions:**

- 1) **The applicants may keep the existing six (6) dogs with the condition that with the removal or expiration of any of the existing dogs in excess of four, that they shall not be replaced;**
- 2) **The applicant shall submit to a minimum of one annual inspection report by an Animal Control Officer to the ZBA;**
- 3) **All animals shall be excluded from the northerly portion of the applicant's property currently used as the goat enclosure and as further illustrated on the attached sketch which is hereby made a part of these meeting minutes;**
- 4) **All conditions of the previous special permit shall remain in force;**
- 5) **Any violation of this special permit shall result in the immediate revocation of this special permit.**

**7:15 p.m.** Application of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, for a special permit pursuant to Sections 200-4.2 (C1) and 200-8.3 of the Zoning Ordinance to allow the keeping of four (4) neutered Dwarf Nigerian Goats as pets.

**MOTION:** Moved by Maloney, 2<sup>nd</sup> by Cote and voted 5:0 to approve the application of Penny and Gregory Dow for property located at 410 Adams Road, which is located in the Rural Residential (RC) Zoning District, pursuant to Sections 200-4.2 (C1) and 200-8.3 of the Zoning Ordinance to allow the keeping of four (4) neutered Dwarf Nigerian Goats as pets. with the following conditions:

- 1) The applicants may keep the existing four (4) individual goats but shall not be allowed to add or replace individual goats;
- 2) All existing fences shall remain in place and be maintained in good condition;
- 3) All animals including goats shall be excluded from the northerly portion of the applicant's property currently used as the goat enclosure and as further illustrated on the attached sketch which is hereby made a part of these meeting minutes;
- 4) Arborvitae shall be planted along the front of the current stockade fence on the Adams Road side of the applicant's property spread not more than 3 ½ feet apart with a height of no less than five (5) feet. This shall be done by September 1, 2011;
- 5) All recommendations of the Board of Health shall be followed;
- 6) The applicant shall submit to a minimum of one annual inspections report by an Animal Control Officer to the ZBA;
- 7) Any violation of this special permit shall result in the immediate revocation of this special permit.

**8:40 p.m.** Application of Ilie Taraburca for property located at 38 French King Highway, which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9 (C7) and 200-8.3 of the Zoning Ordinance to allow a two-family dwelling within the General Commercial District.

Mr. Taraburca distributed revised plans for a two-family home to the Board showing the location of the proposed two-family home being approximately eighty (80) feet for the property line. The memo from the Department of Public Works dated April 28, 2011 was read into the record as well as review comments from the Board of Health and the recommendation of the Planning Board. A letter from Fai and Agnes Wong was also read into the record. The Board discussed the request.

**MOTION:** Moved by Maloney, 2<sup>nd</sup> by Cote and voted 5:0 to approve the application of Ilie Taraburca for property located at 38 French King Highway, which is located in the General Commercial (GC) Zoning District, for a special permit pursuant to Sections 200-4.9 (C7) and 200-8.3 of the Zoning Ordinance to allow a two-family dwelling within the General Commercial District with the condition that all provisions of the memo from the Department of Public Works dated April 28, 2011 be adhered to.

**9:10 p.m.** Application of Jared and Sarah Winston for property located at 148 Montague City Road, which is located in the Urban Residential (RA) Zoning District, for a special permit pursuant to Sections 200-4.4 (C3 and C6) and 200-8.3 of the Zoning Ordinance to allow a four (4) unit multi-family dwelling and preschool at this location.

Chairman McLellan stated that he was informed by Director Twarog that the Winston's wish to withdraw their application as they will not be purchasing this property. This request was sent by e-mail. The Board looked for the file containing the withdrawal e-mail but could not locate it. Therefore, the Board opened the public hearing at 9:10 p.m. and the public notice was record into the record.

**MOTION:** Moved by Maloney, 2<sup>nd</sup> by Cote and voted 5:0 to continue the public hearing to the next regularly scheduled meeting.

Minutes:

**MOTION: Moved by Maloney, seconded by Cote, and voted 5:0 to approve the meeting minutes of April 14, 2011.**

Adjournment:

**MOTION: Moved by Maloney, seconded by Cote, and voted 5:0 to adjourn the meeting at 10:25 p.m.**

Respectfully submitted,

Eric Twarog, AICP  
Director of Planning and Development